

REMARKS

The Restriction Requirement dated January 5, 2007 asserted that the application contains claims directed to the following patentably distinct species of methods or systems of using 3 electrodes to determine how to select and deliver stimulation:

Embodiment 1: 2 chambers, same cycle (claims 11-21, 41-49);

Embodiment 2: 2 chambers, different cycle (claims 22-32 and 50-58);

Embodiment 3: same chamber, different cycle (claims 59-72); and

Embodiment 4: same chamber, same cycle (claims 73-86).

(See Restriction Requirement at 2.)

In response, Applicant elects, without traverse, to immediately prosecute Embodiment 1, identified in the Restriction Requirement as claims 11-21 and 41-49. There being no generic claim, Applicant cancels, without prejudice or disclaimer, the claims to Embodiments 2-4, that is, claims 22-32, 50-58, 59-72, and 73-86. Applicant respectfully reserves the right to prosecute some or all of such cancelled claims 22-32, 50-58, 59-72, and 73-86 in one or more divisional applications at a later date. Applicant is adding new linking claims 87-91, which Applicant respectfully submits are drawn to the elected Embodiment 1. Accordingly, claims 11-21, 41-49 and 87-91 are now pending in this patent application.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6951 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date February 2, 2007

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 2 day of February, 2007.

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